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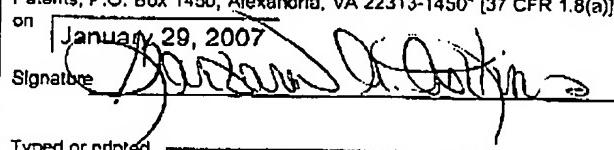
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

BP 2973

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on January 29, 2007

Signature 

Typed or printed name

Barbara A. Adkins

Application Number

10/645,027

Filed

8/21/03

First Named Inventor

Khorram

Art Unit

2836

Examiner

Hoang, Ann Thi

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

/Timothy W Markison/ reg no 33,534

Signature

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)

Timothy W Markison

Typed or printed name

attorney or agent of record.

Registration number

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Telephone number

attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

1/29/07

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Khorram
Serial No: 10/645,027
Filing Date: 8/21/03
Title: Radio Frequency Integrated Circuit Having Sectional ESD Protection

Examiner: Hoang
Art Group: 2836
Docket No: BP 2973

Date: 1/29/07

Pre-Appeal Brief Request for Review

1. In the Final Office Action dated November 29, 2006, the Examiner reasserted the rejection of claims 1-20. In particular, the Examiner rejected claims 1-20 under 35 USC § 103 (a) as being unpatentable over Woo (U.S. Patent No. 6,445,039) in view of Kluge (U.S. Patent Application No. 2003/183403) and Tsuji (U.S. Patent No. 5,901,023). Applicant respectfully believes that there is a clear deficiency in the *prima facie* case in support of these rejections and requests review of the allowability of claims 1-20.
2. Claims 1-20 have been rejected under 35 USC § 103 (a) as being unpatentable over Woo (U.S. Patent No. 6,445,039) in view of Kluge (U.S. Patent Application No. 2003/183403) and Tsuji (U.S. Patent No. 5,901,023).

Woo does not teach an RFIC (Radio Frequency Integrated Circuit) that includes an analog receive section, an analog transmit section, and first and second inductor assemblies, but does teach a communication network. For instance, with reference to Figure 34 of Woo, Woo teaches, at column 39, lines 32-36, a communications network utilizing a receiver 3402. The communication network may be a cable TV network 3404 that provides single ended radio frequency signals 3406 to an RF front end 3408. Woo further teaches that the communication system (*i.e., the CATV 3404, the RF front end 3408, the receiver 3402, and the signal demodulation/processing module 3416*) described is contemplated to provide the function described above in one or more circuit assemblies, integrated circuits, or mixture of these implementations. In particular, the RF front-end 3408 may be integrated on a single chip with receiver 3402. Alternatively, the front end and receiver may be implemented as individual integrated circuits. (Column

39, lines 50-57) As such, the contemplated ICs of Woo does not include an analog transmit section.

Woo also teaches that the receiving system described utilizes additional exemplary embodiments that incorporate one or more transmitters and one or more receivers to form a transceiver or multiband transceiver. (column 39, lines 57-60)

As such, Woo does not teach an RFIC that includes analog transmit section that is operably coupled to convert outbound low IF signals into outbound RF signals. The Examiner appears to have taken Official Notice that the generic mention of a transmitter by Woo includes an analog transmit section that functions to convert outbound low IF signals into outbound RF signals. The applicant respectfully requests that the Examiner provide supporting documentation for this Official Notice.

The Examiner further stated that Woo discloses a transceiver 5818 as depicted in figure 58. Woo discloses at column 61, lines 64-66 that an RF transmitter and receiver are commonly referred to as a transceiver 5818. With review of Figure 58, block 5818 includes a diplex filter, a power amplifier, a gain control, a low pass filter, the receiver front end 5820, an RF tuner 5816, and a saw filter. All of these components operate on RF signals. Thus, there is no conversion of RF signals to IF signals and IF signals to RF signals occurring in this block 5818. As such, the transceiver as taught by Woo via figure 58 does not include an analog transmit section that converts outbound low IF signals into outbound RF signals as is presently claimed.

The Examiner further stated that for two-way transmission, digital section 3416, which is actually signal demodulation/processing 3416, would necessarily convert output digital baseband signals into the outbound low IF signals as well. See columns 58, lines 42-52, and column 61, lines 62-67. This statement appears to be an Official Notice by the Examiner since column 58, lines 42-52, discusses a block diagram of a receiver and column 61, lines 62-67 merely mentions a transceiver. The applicant respectfully requests that the Examiner provide supporting documentation for this Official Notice.

The Examiner further stated that Woo discloses RFIC sections (6102, 6104, 6106) to have localized ground connections as well as localized ESD protection circuitry 6108. See figure 61, column 2, lines 3-9, column 63, lines 14-19 and 60-67. This statement is inaccurate.

In addition to the arguments presented above regarding Woo disclosing a system and not an RFIC as presently claimed, Woo does not teach that blocks 6102, 6104, and 6016 are associated with an analog receive section, an analog transmit section, and a digital section. Woo teaches that the pad rings surround an IC core 5902 that comprises one or more circuit blocks 6102, 6104, 6106. Within each block a localized power and ground bus structure is provided. (column 63, line 64, through column 64, line 1) As such, it appears that the Examiner has taken official notice that circuit blocks 6102, 6104, and 6106 are an analog receive section, an analog transmit section, and a digital section. The applicant respectfully requests that the Examiner provide supporting documentation for this Official Notice.

Without supporting documentation concerning the numerous Official Notices taken by the Examiner in apply Woo to the present rejection, the combined teachings of Woo, Kluge, and Tsuji fail to render claim 1 obvious. In the present Final Office Action, the Examiner uses inferences and deductions to support the statement that no Official Notice was taken. In particular, the Examiner stated that "A transceiver system ... would logically also comprise means for converting outbound low IF signals into outbound RF signals" and "would logically require for the digital section to convert outbound digital baseband signals into outbound low IF signals". However, such inferences and deductions support that Official Notice was taken since the reference does not teach what is being argued by the Examiner.

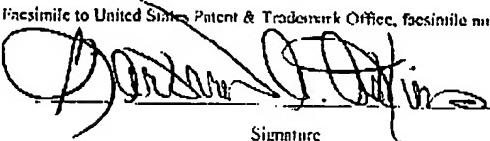
3. Claims 2-8 are dependent upon claim 1 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 1 over the present rejection are applicable in distinguishing claims 2-8 over the same rejection.

4. Claims 9 and 16 have been rejected for similar reasons as claim 1. Accordingly, the applicant believes that the reasons that distinguish claim 1 over the present rejection are applicable in distinguishing claims 9 and 16 over the same rejection.

5. Claims 10-15 are dependent upon claim 9, claims 17-20 are dependent upon claim 16, and each introduces additional patentable subject matter. The applicant believes that the reasons that distinguish claims 9 and 16 over the present rejection are applicable in distinguishing claims 10-15 and 17-20 over the same rejection.

RESPECTFULLY SUBMITTED,

By: /Timothy W. Markison reg. 33,534/
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